

FITZPATRICK, CELLA, HARPER & SCINTO

650 Town Center Drive
Suite 1600
Costa Mesa, California 92626-7130
(714)540-8700

RECEIVED
CENTRAL FAX CENTER

MAY 27 2005

Facsimile:(714)540-9823

FACSIMILE COVER SHEET

TO:	Examiner B. Jaroenchonwanit Group Art Unit: 2143		
FROM:	Michael K. O'Neill		
RE:	U.S. Application No.: 09/892,525 Our Ref.: 02908.000003.		
FAX NO.:	(703) 872-9306		
DATE:	May 27, 2005	NO. OF PAGES:	5 <small>(including cover page)</small>
TIME:	12:46	SENT BY:	jin

MESSAGE

Attached are the following papers for the above-identified application:

1. Response, Statement Of Summary Of Interview, Request For New Office Action

Certificate of Transmission

I hereby certify that this correspondence is being
facsimile transmitted to the Patent and Trademark
Office:

on
Date

May 27, 2005

Signature

Michael K. O'NEILL

Name of person signing certificate

**IF YOU DO NOT RECEIVE ALL THE PAGES.
PLEASE CALL 714-540-8700 AS SOON AS POSSIBLE.**

Note: We are transmitting from a Canon Model FAX-L770
(compatible with any Group I, Group II or Group III machine).

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.

02908.000003.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

MAY 27 2005

In re Application of:)
JOHN D. BARNARD, et al.) Examiner: B. Jaroenchonwanit
Application No.: 09/892,525) Group Art Unit: 2143
Filed: June 28, 2001)
For: PRINT QUEUE MANAGER) May 27, 2005

Certificate of Transmission

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being
facsimile transmitted to the Patent and Trademark
Office:

May 27, 2005
Date

Signature

Michael K. O'Neill
Name of person signing certificate

RESPONSE
STATEMENT OF SUMMARY OF INTERVIEW
REQUEST FOR NEW OFFICE ACTION

Sir:

This is a response to the Office Action dated May 12, 2005 in the above-identified application.

A new Office Action is respectfully requested, for the reason that the instant Office Action includes manifest errors that make it impossible to determine the nature of rejections and objections that have been entered, and impossible to determine whether the Amendment dated February 24, 2005 has been entered and considered. The errors are noted below.

First, page 2 of the Office Action enters an objection to the drawing for failure to show the features of dynamic addressing of a "slave processor" and reducing

overhead through a "transfer count" as allegedly contained in Claims 8 and 16. The phrases "slave processor" and "transfer count" do not appear anywhere in the instant specification, and most certainly do not appear in Claims 8 and 16.

Second, page 3 of the Office Action enters a rejection of Claims 29 to 39, 42 to 67, 70 to 95 and 98 to 112 under 35 U.S.C. § 112, second paragraph. The nature of this rejection is not explained anywhere, although an explanation has been received for a different § 112 rejection, namely that of Claims 1 to 11, and 14 to 28.

Third, pages 4 to 6 of the Office Action enter art-based rejections, but these art-based rejections are word-for-word identical to that from the prior Office Action dated November 24, 2004. It is clear, therefore, that these art-based rejections do not treat the language of the amended claims, and in fact enter rejections of claims that were cancelled. It is understood that the amended claim language has been considered elsewhere, in the context of a rejection under § 112, first paragraph, but the amended claim language has not been considered in these art-based rejections. In this regard, attention is respectfully directed to MPEP § 2143.03:

"When evaluating claims for obviousness under 35 U.S.C. § 103, all limitations of the claim must be considered and given weight, including limitations which do not find support in the specification as originally filed (i.e., new matter)." (*id.*, at page 2100-134)

Fourth, page 6 of the Office Action refers to language allegedly found at page 36 of the specification, but that language is not included anywhere on the listed page. These matters were brought to the attention of the Examiner in a telephone interview conducted on May 27, 2005. During the interview, the Examiner conceded that he had mailed a very-early draft version of his Office Action, which included language copied from Office

Actions in other and entirely different and unrelated cases. The Examiner agreed to mail a new Office Action. However, the Examiner stated that he would not restart the period for response commencing with the mailing date of the new Office Action unless the undersigned filed a paper explicitly requesting such action. This paper therefore follows, and the Examiner is respectfully requested to mail a corrected Office Action and to restart the period for response commencing with the mailing date of the corrected Office Action.

During the interview, the Examiner explained that the reference on page 6 of the Office Action to page 36 of the specification was actually a reference to paragraph [0036] of the published version of the application.

Also during the interview, the undersigned asked the Examiner to acknowledge and approve the formal drawings that were filed on October 15, 2001. This is a second request.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Michael K. O'Neill
Attorney for Applicants
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

CA_MAIN 98832v1